

Fresno, California

November 28, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Jerry Duncan	Council President
Absent:	Larry Westerlund	Councilmember (Naval Reserve duty)

Andy Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Sharon Stanley of Fresno Interdenominational Refugee Ministries (FIRM) gave the invocation, and City Manager Souza led the Pledge of Allegiance.

RECOGNITION OF APPRECIATION FOR MEMBERS OF DISTRICT ONE'S COMMITTEES AND BOARDS & COMMISSIONS -
COUNCILMEMBER BOYAJIAN

Recognized.

PROCLAMATION OF "BULLARD HIGH SCHOOL FRESHMAN FOOTBALL TEAM DAY" - COUNCILMEMBER CALHOUN

PROCLAMATION OF "WORLD AIDS DAY" - COUNCILMEMBER STERLING

The above proclamations were read and presented.

PRESENTATION TO THE PUBLIC UTILITIES DEPARTMENT BY EPA WATER DIVISION DIRECTOR ALEXIS STRAUSS OF THE
2006 NATIONAL CLEAN WATER ACT AWARD FOR PRETREATMENT PROGRAM EXCELLENCE

Presentation made.

APPROVE MINUTES OF NOVEMBER 14, 2006

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of November 14, 2006, were approved, as amended, on Page 148-171, Items 10:00 a.m. #1 and 10:00 a.m. #2, by removing the resolution number for each #1 resolution and adding the following clarification paragraph at the end of each hearing: *"* NOTE - A motion and second was made to approve staff's recommendation and the above Resolutions and Ordinance Bill were adopted by a unanimous vote. It was determined on November 15, 2006, that the election ballots had not been received, the four above entitled documents were deemed void, and on November 28, 2006, a hearing to reconsider the matter was set for December 12, 2006, at 9:55 a.m. #1 and 9:55 a.m. #2, respectively."*

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN - Passage of bond issues on November 7th and encouragement to staff to prepare proposals and apply for funding as soon as possible **(2 - 0)** to get the city's fair share.

COUNCILMEMBER DAGES - (1) Request staff address the on-going problem of flower vendors in median islands; (2) reports on the successful turkey dinner cooked by the Moose Lodge and served to Senior Citizens Village residents, and the Southeast Neighborhood Watch pasta dinner, and thank you to all involved; and (3) invitation to the Huntington Boulevard Christmas Tree Lighting ceremony on December 3rd at 6:00 p.m.

ACTING PRESIDENT PEREA - (1) Request for staff response to email sent to the City Manager on the lack of a contract for tree trimming; and (2) pursuant to AB 1234 report on trip to Denver, Colorado to view Forest City projects and the unique museum project with lofts built around the parking structure to pay for the structure, with Councilmember Boyajian later speaking to another unique project -- San Jose's Santana Row.

COUNCILMEMBER BOYAJIAN - (1) Thank you to City Manager and staff for removing illegal signs along Emerson Avenue; (2) congratulations to Fresno High School on their Christmas Tree Lighting ceremony; and (3) encouragement to all attend the upcoming District 1 home tour on December 4th sponsored by Fresno High School to benefit the school.

COUNCILMEMBER STERLING - Thank you to her staff and all others involved in organizing and putting on the successful turkey drive the Friday before Thanksgiving for those in need, and Phil & Pat Rivera for providing food to the homeless every week at Roeding Park and who were nominated for the Jefferson Award. After President Duncan's following comments, Councilmember Sterling recognized and thanked the Community Food Bank and the 80+ people who contributed financially to make the turkey drive a success.

PRESIDENT DUNCAN - (1) Letter received from the group working with staff on the street fee issue and request staff make their request to work beyond December 12th an option; (2) acknowledgment of NBC national news covering the Police Department's DUI program and efforts and commendation to the department; and (3) national print media news story on the city's recent legal situation with street people and intent to schedule a workshop in January for public discussion on the City's plan to deal with that issue.

APPROVE AGENDA:

(4:00 P.M. "A") 2006 CYCLE II TRIMESTER PLAN AMENDMENT HEARING ON P.A. APPLICATION NO. A-06-01, REZONE APPLICATION NO. R-06-20, AND ENVIRONMENTAL FINDINGS FILED BY C.U.R.E./GRANVILLE HOMES, INC., PROPERTY LOCATED ON THE EAST SIDE OF N. BLYTHE AVENUE BETWEEN W. DAKOTA AND W. ASHLAN AVENUES
(Request continuance to December 5, 2006, at 10:30 a.m.)

Continued as noted.

(9:15 A.M. "A") REVIEW OF THE REVISED FEE STRUCTURE RELATED TO ADOPTED AMENDMENTS TO THE FRESNO MUNICIPAL CODE RELATIVE TO THE REGULATION OF DOGS AND CATS

Removed from the agenda by staff.

(3:15 P.M. #1) CONTINUED HEARING TO CHANGE THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR ANNEXATION NO. 128, FINAL TRACT NO. 5287 OF CFD NO. 2

1. RESOLUTION - RESCINDING RES. 2006-493 ADOPTED 11/14/06
2. RESOLUTION - CHANGING THE RATE AND METHOD OF APPORTIONING THE TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX
3. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
4. RESOLUTION - DECLARING ELECTION RESULTS
5. BILL - AMENDING ORD. 2006-113 AND LEVYING A NEW SPECIAL TAX FOR PROPERTY TAX YEAR 2006-07 AND FUTURE TAX YEARS

-and-

(3:15 P.M. #2) HEARING ON CFD NO. 11, ANNEXATION NO. 11, TRACT NO. 5553

1. RESOLUTION - RESCINDING RES. 2006-496 ADOPTED 11/14/06
2. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
3. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
4. RESOLUTION - DECLARING ELECTION RESULTS
5. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-07 AND FUTURE TAX YEARS

The above entitled hearings continued to December 12, 2006, at 9:55 a.m. #1 and 9:55 a.m. #2 respectively.

(5:30 P.M. #1) CONTINUED HEARING TO CONSIDER DESIGNATING BUILDING 8, THE FORMER RETAIL SHED OF THE SUGAR PINE LUMBER COMPANY AT 7435 N. INGRAM, TO THE LOCAL REGISTER OF HISTORIC RESOURCES (PINEDALE ASSEMBLY CENTER SITE/STATE HISTORICAL LANDMARK NO. 934, CAMP PINEDALE)

1. RESOLUTION - DESIGNATING BUILDING 8 TO THE LOCAL REGISTER OF HISTORIC RESOURCES (Historic Preservation Commission recommendation)

City Clerk Klisch advised a second Resolution, staff's recommendation to designate the Remembrance Plaza to Local Register, was part of and included with the item but the title was inadvertently omitted from the agenda. So noted.

(10:45 A.M. #2) DISCUSSION AND DIRECTION ON A LOCAL PREFERENCE ORDINANCE - COUNCILMEMBER DAGES

Removed from the agenda by Councilmember Dages who advised this title was inappropriate and he would reschedule the matter.

(2:30 P.M.) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA)

(“A”) JPFA RESOLUTION - DESIGNATING AND AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY OF FRESNO TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF JPFA FUNDS

-and-

(“B”) COUNCIL RESOLUTION - AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY OF FRESNO TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS

Removed from the agenda by staff/to be rescheduled.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in support of Item **1-A**, in general to **1-B**, and in support of **1-I**.

(1-A) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE SOBRIETY CHECKPOINT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES

1. RESOLUTION NO. 2006-515 - 42ND AMENDMENT TO THE AAR APPROPRIATING \$150,000 TO FUND THE SOBRIETY CHECKPOINT PROGRAM

(1-B) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE OFFICE OF EMERGENCY SERVICES FOR THE PROJECT SAFE NEIGHBORHOODS REMOVING UNLAWFUL GUNS GRANT

1. RESOLUTION NO. 2006-516 - 28TH AMENDMENT TO THE AAR APPROPRIATING \$30,000 TO ASSIST IN THE REDUCTION OF GUN VIOLENCE THROUGH THE GRANT PROGRAM

(1-C) APPROVE A CONSTRUCTION CONTRACT WITH TRUXELL AND VALENTINO IN THE AMOUNT OF \$177,290 TO INSTALL NEW STREET TREES AND IRRIGATION ALONG FRESNO STREET FROM STATE ROUTE 99 TO DIVISADERO STREET, AND ALONG TULARE STREET FROM STATE ROUTE 99 TO STATE ROUTE 41 AS DETAILED IN THE PLANS AND SPECIFICATIONS

(1-D) APPROVE THE ACQUISITION OF A 501 SQUARE FOOT STREET EASEMENT FROM PROPERTY OWNED BY THE TUELL FAMILY TRUST AT THE SOUTHWEST CORNER OF HERNDON AND VAN NESS AVENUES FOR THE WIDENING OF HERNDON AVENUE BETWEEN WEST AND MARKS AVENUES, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND RECORD SAME IN THE OFFICIAL RECORDS

(1-E) RESOLUTION NO. 2006-517 - 44TH AMENDMENT TO THE AAR APPROPRIATING \$18,000 FOR THE PURPOSE OF REIMBURSEMENT FROM AVAILABLE A.D. 131 CONSTRUCTION FUNDS FOR THE DEMOLITION OF A SEWER LIFT STATION AT HERNDON AND MILBURN AVENUES

(1-F) RESOLUTION NO. 2006-518 - 45TH AMENDMENT TO THE AAR APPROPRIATING \$197,700 PAID BY THE CITY RISK REIMBURSEMENT FUND TO THE STREET DIVISION/STREETLIGHT SECTION FOR THE REPLACEMENT OF STOLEN COPPER WIRE

(1-G) APPROVE A STATE CENTER COMMUNITY COLLEGE DISTRICT OFF-CAMPUS WORK STUDY AGREEMENT WITH THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT, AND AUTHORIZE THE PR&CS DEPARTMENT TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-H) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A LEASE AGREEMENT WITH AP-FRESNO AIRPORT LLC FOR OFFICE SPACE AT 1939 N. GATEWAY, SUITE 101, FOR THE POLICE DEPARTMENT'S GRAFFITI BUREAU AND FIELD AUTOMATION TRAINING

(1-I) AUTHORIZE ACCEPTANCE OF THE BULLETPROOF VEST PARTNERSHIP GRANT AWARD OF \$14,438 AND EXECUTION OF PROGRAM DOCUMENTS

1. RESOLUTION NO. 2006-519 - 38TH AMENDMENT TO THE AAR APPROPRIATING THE FUNDS INTO THE FY 2007 BUDGET FOR THE BULLETPROOF VEST GRANT PROGRAM

(1-J) RESOLUTION NO. 2006-520 - 40TH AMENDMENT TO THE AAR APPROPRIATING \$63,000 IN STATE GRANT FUNDS FOR THE 911 COMMUNICATION CENTER UPGRADE PROJECT

(1-K) RESOLUTION NO. 2006-521 - 449TH AMENDMENT TO THE MFS RES. 80-420 ESTABLISHING INCENTIVES FOR NEW AND EXPANDING BUSINESSES WITHIN THE MUNICIPAL RESTORATION ZONE (MRZ)

(1-L) RESOLUTION NO. 2006-522 - APPROVING THE FINAL MAP OF TRACT NO. 5555 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF W. HERNDON FRONTAGE AND N. SANTA FE AVENUE

1. AUTHORIZE THE PUBLIC WORKS AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

(1-M) BILL NO. B-156 - ORDINANCE NO. 2006-160 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO DEFINITION OF PUBLIC WORK OF IMPROVEMENT

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Barbara Hunt, 2475 S. Walnut, spoke to and expressed concerns with the issue of utility rates including bonds and defaults.

(9:15 A.M. "B") 2003 BICYCLE TRANSPORTATION PLAN

1. RESOLUTION NO. 2006-523 - ADOPTING FINDINGS AND DETERMINATIONS AND AMENDING THE CITY OF FRESNO BICYCLE TRANSPORTATION PLAN

2. RESOLUTION NO. 2006-524 - APPROVING THE APPLICATION FOR AND ACCEPTANCE OF FY 2006-07 CALTRANS LOCAL ASSISTANCE PROGRAM-BICYCLE TRANSPORTATION ACCOUNT GRANT FUNDS, AND AUTHORIZING THE EXECUTION OF DOCUMENTS

Traffic Engineering Manager Mozier reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Nick Paladino, 8735 N. Cedar, member of the Advocacy Office of the Fresno Cycling Club, Fresno County Bicycle Coalition, and City of Fresno Bicycle and Pedestrian Advisory Committee, support; and Barbara Hunt.

Mr. Mozier and Mr. Paladino responded at length to questions and comments of Councilmember Boyajian relative to the status of bike lanes on Ashlan between West and Marks, why Fresno can not accommodate both on-street parking and bike lanes, why larger lanes like those in the north can not be incorporated in the inner-city, why one way streets, such as Wishon, have not been considered for larger bike lanes, if wider bike lanes have been an emphasis for the bicycle groups, businesses not wanting to give up their street parking, the wide downtown streets and housing and why staff should not start looking at circulation and what other cities have done, and need for a downtown master plan with the housing that is now coming in.

On motion of President Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-523 and 2006-524 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(9:15 A.M. "C") BILL NO. B-162 - ORDINANCE NO. 2006-161 - BILL FOR INTRODUCTION AND ADOPTION - INTERIM ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE APPROVAL OF ANY LAND USE ENTITLEMENTS AND SPECIAL PERMITS FOR ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS OR ADULT THEATERS

Planning & Development Director reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition stating any moratorium should be applied city-wide.

Councilmember Sterling stated downtown was growing and changing and clarified a moratorium will allow time for staff to look at how the downtown area will be developed, stated this was not meant to stifle anyone's First Amendment Rights, stated adult book stores in an area currently being developed was not healthy, stated a business was licensed for one thing and then opened another type of business without the proper permits just because it was located in a blighted area, and made a motion to adopt the ordinance, which motion was seconded by Acting President Perea. President Duncan thanked staff and acknowledged the law requires cities to allow this type of business but it also allowed for cities to restrict it as much as possible and added this interim ordinance was a step towards making sure if these businesses have to open that it is done by minimizing the harm to neighborhoods and the community.

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Bill No. B-162 adopted as Ordinance No. 2006-161, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

Upon question of President Duncan, City Attorney Sanchez confirmed this ordinance would take effect immediately.

(9:15 A.M. “D”) APPROVE A POLICY FOR NO NEW INSTALLATIONS OF PAVEMENT UNDULATIONS (SPEED BUMPS) WITHIN THE CITY OF FRESNO RIGHT-OF-WAY AND PROCEDURES FOR REMOVAL OF EXISTING PAVEMENT UNDULATIONS

Upon the request of President Duncan, Traffic Engineering Manager Mozier reviewed the environmental policy passed over a year ago prohibiting speed bumps and explained why Council needed to act on this today and what would be different, and reviewed the issue as contained in the staff report as submitted **(3 - 0)**.

Barbara Hunt, 2475 S. Walnut, spoke to the need to remove speed bumps.

Mr. Mozier responded to questions of Councilmember Boyajian relative to who will pay removal costs, what the cost was to remove speed bumps, and if speed bumps can be removed when road repairs are being done and if staff will work with Council to do that. Councilmember Calhoun stated this would make the City’s policy clear to the public, noted a majority of neighbors will have to approve removals, and expressed his support stating speed bumps are intrusive adding Alluvial was really bad and this was the right thing to do. Councilmember Dages spoke in opposition stating speed bumps are put in to reduce speed, stressed this was a safety issue and spoke to the importance of the speed bumps at schools and neighborhoods in his district, spoke briefly to the policy and expressed some concerns, and stated to remove speed bumps just to remove them was wrong as they are put in for a reason and because the public wants them. Acting President Perea stated he was split on this issue as he was supportive of no new installations but had a concern with removing existing ones, stated the only way he would feel comfortable with removing existing speed bumps was if there was some kind of traffic control plan for neighborhoods, stated if this policy does not pass he would be open to this coming back with the caveat that there will be some sort of traffic control plan with the Police Department as he did not feel traffic calming devices should be removed without replacing them with something else, and added neighborhood speeding was a big issue in some districts.

Councilmember Calhoun made a motion and to approve staff’s recommendation, which motion was seconded by Councilmember Boyajian.

Councilmember Sterling stated she agreed with Members Dages and Perea, advised she frequently gets requests to install speed bumps as there is a lot of street racing in her district and there are not enough police to watch for racers and speeders, and stated she also supported alternative traffic control measures and was willing to see staff bring something back.

President Duncan stated there was a basis for agreement but Council was not quite there yet with the removals and recommended action be delayed two weeks to allow those members who have expressed concern to seek a solution. Councilmember Calhoun stated he was also going to recommend a delay due to a potential 3-3 split and added with an issue as important as this Councilmember Westerlund needed to be part of the discussion and withdrew his prior motion.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Item 9:15 a.m. “D” tabled two weeks, by the following vote:

Ayes	:	Boyajian, Calhoun, Perea, Sterling, Duncan
Noes	:	Dages
Absent	:	Westerlund

(10:00 A.M.) HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION ACTION DENYING VESTING TENTATIVE TRACT MAP NO. 5599, FILED BY YAMABE & HORN ENGINEERING, INC., ON BEHALF OF A-MARK INVESTMENTS, LLC, AND JASBIR SINGH, PROPERTY LOCATED AT 4726 AND 4790 N. POLK AVENUE ON THE EAST SIDE OF N. POLK BETWEEN W. SHAW AND W. GETTYSBURG AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. T-5599 DATED JUNE 1, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**
- 2. RESOLUTION NO. 2006-525 - APPROVING VESTING T.T. MAP NO. 5599 SUBJECT TO CONDITIONS OF APPROVAL**

President Duncan announced the time had arrived to consider the issue and opened the hearing. Planner Brock advised there was one small correction to the vicinity map and explained, and gave an in-depth overview the issue, all as contained in the staff report as submitted. Upon question of President Duncan, Ms. Brock confirmed staff’s recommendation was to deny the appeal and approve the project with conditions included in the staff report (with clarification subsequently made to *grant* the appeal as it was denied at the Planning Commission.

Speaking to the issue were: Jim Tsuruoka, Yamabe & Horn, representing the applicant, who stated this project was consistent with City plans and policies and spoke further to the entry level home project; Applicant Attorney Timothy Jones, 2445 Capitol, who clarified Council's action should be to grant the appeal and approve the project (because they were denied at the Planning Commission); Barbara Hunt, 2475 S. Walnut, who expressed various concerns with the project; and Dr. Jim Westgate, Executive Director of the Highway City Community Development Corporation, which owns the property contiguous to the A-Mark property, who spoke to the organization, their upcoming project, and their negotiations with A-Mark since they purchased the property, and expressed property and street concerns.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Upon question of Councilmember Calhoun, City Attorney Sanchez noted safety issues were raised at the Planning Commission and after evaluation by staff they could find no basis at this time to support those safety concerns and clarified the record was now before Council to make the findings necessary to approve this project. Councilmember Calhoun stated he came to the same conclusion after meeting with staff and all parties, clarified he very much appreciated the work of the Planning Commission and commended them for looking at all development and safety issues, stated he did not feel a bottleneck would occur here and spoke further to other related issues, and made a motion to approve staff's recommendation.

Councilmember Boyajian acknowledged there were some good things with this project but he felt Polk needed to be widened and stated children were the most important thing here and they needed a safe path to school, and elaborated further on his concerns. Councilmember Sterling spoke in support of the project stating affordable and entry-level housing opportunities were very important to her, stated she weighed the entire process and noted the developer would be making infrastructure improvements and install signals, stated the entire project build-out allowed for good, quality growth and affordable housing and commended the developer, and stated the Church and the community center needed to look at how this project will benefit the community.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the appeal granted, the above entitled E.A. hereby approved, and the above entitled Resolution No. 2006-525 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	Boyajian
Absent	:	Westerlund

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(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-06-43 AND ENVIRONMENTAL FINDINGS FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC., ON BEHALF OF VIEJO CAPITAL, LLC, PROPERTY LOCATED ON THE WEST SIDE OF N. GLENN BETWEEN W. SHAW AND E. FAIRMONT AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-43, DATED SEPTEMBER 28, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-163 - ORDINANCE NO. 2006-162 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-B TO R-1

President Duncan announced the time had arrived to consider the issue and opened the hearing. Planner Morrison reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Applicant representative Dirk Poeschel, 923 Van Ness, who stated the project was consistent with all general plan policies, spoke further to the project **(4 - 0)** and clarified this was not about annexation and the parcel map was forthcoming, and requested approval; Patty Handley, 1411 E. Fairmont, who advised the applicant owned a commercial building fronting Shaw and requested there be a condition that this project shall never connect to the commercial property; Robert Lee, 1412 E. Fairmont, opposed to annexation, and expressed concerns relative to traffic and driveway connection to the Shaw property; Mike Biglow, nearby resident, opposed to piecemeal annexation; Merilee Amos, 4811 N. Del Mar, representing the Fig Garden Home Owners' Association Board, opposed; and Barbara Hunt, support for area residents.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Ms. Morrison clarified at issue this date was a rezone application and not an application for annexation, and along with Mr. Poeschel responded to questions of Acting President Perea and/or clarified issues relative to potential access to the commercial property on Shaw and there being policies already in place to prevent that from happening, the design/quality/look of homes, the property being contiguous to the city with a requirement to square off boundaries, and if the parcel map will be noticed and come back to Council. Acting President Perea clarified (1) the neighborhood will have another opportunity to weigh-in on what the project will look like and (2) it was inconsistent with City policy for the commercial piece to have access onto Glenn Avenue, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Dages.

Mr. Poeschel, Ms. Amos, Planning Manager Unruh, City Attorney Sanchez, Acting President Perea and Mr. Biglow responded at length to questions and/or comments of Councilmembers Boyajian and Calhoun relative to whether the project would consist of apartments, condominiums or homes, number of units planned, what was currently behind the commercial parking lot, if there was no connection from the parking lot to this project, if access to the project would be from Glenn, direction the homes will face, if it was still the Fig Garden Home Owners' Association's understanding that this was an annexation, need to resolve the annexation issue and request for staff explanation, if the neighborhood will have an opportunity to provide input when/if annexation occurs, if annexation was not on the table at this time, if Acting President Perea had any concerns/was comfortable with future annexation, what the Fig Garden area had planned for this property, and if density, annexation and/or conformity to the Fig Garden plan were the major concern(s).

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled E.A. hereby approved, and the above entitled Bill No. B-163 adopted as Ordinance No. 2006-162, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-05-52 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE & HORN ENGINEERING, INC., ON BEHALF OF NISHIKAWA FAMILY TRUST (TRUSTEES HIROSHI & MARY NISHIKAWA), PROPERTY LOCATED AT 5298 AND 5376 W. OLIVE, NORTH SIDE OF W. OLIVE EAST OF THE N. POLK AVENUE ALIGNMENT
1. CONSIDER AND ADOPT E.A. NO. R-05-52/T-5494, DATED AUGUST 31, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-164 - ORDINANCE NO. 2006-163 - AMENDING THE OFFICIAL ZONE MAP TO REZONE 4.8+ ACRES FROM RR TO R-1/UGM, AND 33.9+ ACRES FROM AE-5/UGM TO R-1/UGM

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Brock advised the staff report as submitted was complete and added most of the property had already been annexed.

Speaking to the issue were: Jim Tsuruoka, representing the applicant, who stated he agreed with the conditions and requested approval; and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Sterling stated this project was in conformance and made a motion to approve staff's recommendation. Councilmember Boyajian stated more was needed than conformity to the general plan and stated he could not support this as there was no EIR, no impact fees on what this project will be, and cumulative impacts are not shown.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled E.A. hereby approved, and the above entitled Bill No. B-164 adopted as Ordinance No. 2006-163, by the following vote:

Ayes	:	Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	Boyajian
Absent	:	Westerlund

(10:45 A.M. #1) DISCUSSION AND DIRECTION ON A SOCIAL HOST ORDINANCE - COUNCILMEMBER DAGES

Councilmember Dages advised the Youth Leadership Institute (YLI) asked him to bring this matter forth and he felt a social host ordinance was needed due to the underage drinking that is facilitated by adults, and advised in the State of California it is not against the law for adults to supply youths with alcohol on a premises. Assisting with the presentation were Jane Alvarado and Malasia Rico, 18 year old FSU freshman, and Tony Garcia, 18 year old FCC freshman, members of Urban Fresno's Leading Youth and Fresno Youth in Action, who spoke further to the problem of underage drinking and to the need for an ordinance.

City Attorney Sanchez clarified issues and responded to questions and comments of Councilmember Boyajian relative to how hosts will be held responsible **(5 - 0)**, how Fresno will be able to get around State law, lack of information on how adults at private residences or weddings will be held responsible, there being family rituals allowing 18-19-20 year olds to have a glass of wine with dinner and what probable cause will be for police to enter homes, and Councilmember Dages' memo not mentioning loud/unruly gatherings as a probable cause.

Acting President Perea and President Duncan spoke in support of the issue, complimented the YLI and Councilmember Dages, and commented on the issue including the intent of the ordinance being to go after adults who provide minors access to alcohol, desire to see an enforcement plan when the ordinance is brought back, encouragement for staff to make this a civil matter for better enforcement and results, and it being unfortunate that the State does not have a law in this regard.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the City Attorney directed to draft and return with a Social Host Ordinance in 30 days, by the following vote:

Ayes	:	Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	Boyajian
Absent	:	Westerlund

(10:55 A.M.) CONTINUED HEARING TO CONSIDER RENAMING THE IVY CENTER THE "MARY ELLA BROWN COMMUNITY CENTER" - COUNCILMEMBER STERLING

1. RESOLUTION NO. 2006-526 - APPROVING THE RENAMING

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Councilmember Sterling stated the community had been notified of this matter, spoke to the contributions and accomplishments of Ms. Brown and stated this will be a fitting tribute to her, spoke to the center's expansion, activities, and benefit to the community, and made a motion to adopt the resolution, which motion was seconded by President Duncan. Parks & Recreation Director Cooper added this was an exciting time as southwest Fresno was being reinvigorated and spoke further to the center including improvements and services provided.

Barbara Hunt, 2475 S. Walnut, spoke in strong support of the issue and to Ms. Brown's accomplishments.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2006-526 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(11:00 A.M.) PRESENTATION BY JOHN HUTSON REGARDING THE POSSIBILITY OF PROVIDING NUCLEAR ENERGY TO THE FRESNO AREA - PRESIDENT DUNCAN

President Duncan introduced John Hutson and advised while Mr. Hutson chaired the Utility Commission he independently became an advocate for the idea of nuclear power for the Fresno area, and stated in talking with Mr. Hutson he found this issue very intriguing and felt positive things could be learned by having a presentation on the issue.

John Hutson gave an in-depth PowerPoint presentation on the issue which included Nuclear Power: Economic Growth and Energy Independence; Driving Interest in New Nuclear Plants, Impact of Diablo Canyon on San Luis Obispo Economy, U.S. Electricity Demand Soaring, U.S. Electricity Production Costs, Oil Addition, South Africa: Pebble Bed Reactor, Country by Country Nuclear Generation Shares, Reactors Under Construction Worldwide, U.S. Construction Plans, Construction Underway in Finland, Energy by the Numbers, Nuclear: Clean-Air Energy, La Hague, France Reprocessing Plant, Weight of One Pellet of Uranium Fuel, Energy for the Next Generation, Advanced Reactors: Clean/Safe/Efficient, and concluded stating having a nuclear energy facility would result in reduced rates, a significant opportunity to attract business and industry, and the creation of huge employment opportunities.

President Duncan commended Mr. Hutson for continuing the process to see if this is feasible, stated if Fresno is to become a 21st Century city this must be looked into, and questioned what Mr. Hutson felt Council could do to help and if Mr. Hutson had developed a coalition, with Mr. Hutson responding. Councilmember Dages thanked Mr. Hutson for his presentation, stated he supported a citizens committee as recommended by Mr. Hutson, it would behoove the City to budget funds to look into this, Mr. Hutson was the ideal candidate to head this, and the biggest problem he saw was perception and NIMBY (not in my back yard) and people needed to get beyond that way of thinking **(6 - 0)**, and commended Mr. Hutson on his efforts.

President Duncan stated there was an energy crisis and this would be an opportunity to resolve the city's energy issues long-term, create a very strong economic incentive for people to come here, and at the end of the day have the lowest possible rates for customers, stressed this was a very serious issue and one that needed to be resolved whether with a natural gas plant that pops greenhouse gasses into the environment or with a nuclear plant that really is clean, and thanked Mr. Hutson for his leadership and stated Council would be here to assist in his evaluation. There was no further discussion.

LUNCH RECESS - 12:37 P.M. - 2:15 P.M.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(“A”) EXISTING LITIGATION - CASE NAME: COUNTY OF FRESNO V. COF, ET AL (CONSOLIDATED CLAIMS)

(“B”) DECIDING WHETHER TO INITIATE LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: COF V. M.J. MENEFE CONSTRUCTION INC. AND GREAT AMERICAN INSURANCE COMPANY

The City Council met in closed session in Room 2125 at the hour of 2:15 p.m. to consider the above matters and reconvened in regular open session at 2:47 p.m.

(2:45 P.M.) BILL NO. B-165 - BILL FOR INTRODUCTION APPROVING THE SAN JOAQUIN VALLEY POWERS AGREEMENT AND AUTHORIZING THE SUBMITTAL OF AN IMPLEMENTATION PLAN FOR A COMMUNITY CHOICE AGGREGATION PROGRAM BY THE SAN JOAQUIN VALLEY POWER AUTHORITY BY DIRECTING THAT THE FOLLOWING STEPS BE TAKEN:

- 1. AUTHORIZE THE CITY MANAGER TO EXECUTE THE FINAL JOINT POWERS AGREEMENT TO ESTABLISH THE SJVPA**
- 2. APPOINT THE CITY MANAGER TO SERVE AS A DIRECTOR ON THE BOARD OF THE SJVPA**
- 3. DIRECT CITY STAFF TO FINALIZE NEGOTIATION OF PROGRAM AGREEMENT 1 FOR COUNCIL REVIEW**

Public Utilities Director Ramirez gave an in-depth review of issue which included the background, the Community Choice Aggregation (CCA) program, the ordinance, the Joint Powers Agreement (JPA), and the Board of the San Joaquin Valley Power Authority (SJVPA), all as contained in the staff report as submitted.

Mr. Ramirez and Dave Orth, General Manager of the Kings River Conservation District (KRCD), responded at length to questions and comments Councilmember Calhoun presented for the record after emailing them to staff relative to whether the communities that have signed onto the program are within the KRCD boundary, if Tulare County was within the KRCD boundary, if it was significant problem that Tulare County was not part of this, if communities who come in after the program starts are “missing all the dirty work and risk”, why Fresno County chose not to join, if the communities who chose not to join were presented with the same information, if this matter will have to go back to the Public Utilities Commission for another stamp of approval after approval by the other communities, the process and hope that we are not getting too far ahead of everyone else, how the 5% discount over present rates can be guaranteed, how the 5% was calculated, if

potential customers will be told they will get a reduction, if bids were currently being requested from service providers, everything being dependent upon getting the 500 megawatt plant being built in 2010 and if this program would fail if even with other renewable energy, if a 500 megawatt plant was a major undertaking, pollution concerns and if an EIR will be conducted on the plant, what the ability is to get significant renewable sources of energy, project implementation schedule, and this being a huge project and what will happen if the project starts to slip. Councilmember Calhoun thanked all involved for embarking on this and stated he supported moving forward and made a motion to approve staff's recommendation.

Acting President Perea seconded the motion stating energy was an important issue to him, stated he was glad the cleanest of the fossil fuels was chosen to burn but he wished more had been done on the renewal side, and presented questions relative to rate discounts, options for customers if rates increase, the renewable side/the 20% State minimum/where that 20% will come from, if the 20% rule can increase if the program takes off in the future, and if there will be one last opt out option, with Mr. Orth and Mr. Ramirez responding throughout. Acting President Perea stated he wished the floor was higher than the State standard but felt this was on the right track, and stated this was an important issue and probably the most significant energy policy this Council will ever have a chance to vote on. President Duncan expressed his support and presented questions/comments relative to what level of air pollution the plant will create, this Council being committed to not contributing to greenhouse gasses, and request that Council be kept informed and made aware of any issues that may arise throughout the process, with Mr. Orth responding throughout.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Bill No. B-165 introduced before the City Council and laid over, the City Manager authorized to execute the final Joint Powers Agreement to establish the SJVPA, the City Manager appointed to serve as a Director on the Board of the SJVPA, and staff directed to finalize negotiation of Program Agreement 1 for Council review, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

President Duncan acknowledged newly elected District 1 Councilmember Blong Xiong and Scott Miller in the audience.

(3:00 P.M.) DIRECT STAFF TO REVIEW AND REPORT BACK WITH RECOMMENDATIONS ON THE INSTALLATION AND USE OF "SMART IRRIGATION CONTROLLERS" FOR INCREASED WATER CONSERVATION EFFORTS - COUNCILMEMBER BOYAJIAN

(7 - 0) Councilmember Boyajian gave a brief overview of the issue, all as contained in his report to Council as submitted, and advised John Valentino of Tree Fresno brought this technology to his attention and he wanted to see if Council was interested in using these controllers. Assisting Councilmember Boyajian in this presentation were John Valentino, Local Horticulturist John Pape, and Craig Boylen who spoke to the issues of water conservation/irrigation, the smart irrigation controller concept, how the controllers work, the controllers working best when they are not restricted to certain days (and request to drop restrictions for those who use the controllers), horticultural benefits and concerns, effects of improper watering, and communities who are taking advantage of this technology.

Acting President Perea stated this was a good idea worth exploring and added landscaping was something he had been thinking about recently in terms of being more environmentally friendly. Mr. Valentino and Mr. Pape responded to questions of Councilmember Boyajian relative to the cost of the controllers, if they could be used in median islands, what a "weather station to the controller" was, if the controllers were currently available for purchase by the public and where, what the cost was to install, and current legislation. Councilmember Boyajian made a motion to direct staff to review and report back as outlined above with the addition of making the smart irrigation controllers a requirement for new housing, which motion was seconded by Acting President Perea and subsequently amended.

Councilmember Calhoun requested staff's review include contacting the other communities who utilize the controllers, and noted water meter installations were coming up and clarified he was supportive of seeing what staff brings back but he did not want to overload the public and had a concern with taking on a major initiative along with the water meters. Upon question of President Duncan, City Manager Souza stated it was his understanding the motion was for staff to conduct a cost benefit analysis for City application *and* new housing construction. President Duncan stated going to home applications was way premature and advised users would not realize any savings at this time due to the City's flat water rate, expressed concern with eliminating water restrictions stating the restrictions were based on peak demands and ability to pump so much water, and stated although he was supportive of seeing the benefits of City application but could not support the motion.

Mr. Souza stated this was intriguing for City application and would be an opportunity to test out the controllers and also be a test case to find meaningful data on what the actual cost savings will be for not only median islands but also park sites and any other City facilities that can be tracked. Upon question of Councilmember Boyajian, Mr. Souza stated staff would work with Mr. Valentino and his group and staff could provide a report back on the first or second meeting in February. Councilmember Boyajian amended his motion to go with City application only and go to another level at another time adding the State was doing their due diligence and the City could probably piggyback on that.

On motion of Councilmember Boyajian, seconded by Acting President Perea, duly carried, RESOLVED, staff directed to review and report back with recommendations on the installation and use of "smart irrigation controllers" for increased water conservation efforts, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(3:45 P.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-06-13 AND ENVIRONMENTAL FINDINGS, FILED BY HARBOUR AND ASSOCIATES ENGINEERING ON BEHALF OF MICHAEL KLUDJIAN, PROPERTY LOCATED ON THE WEST SIDE OF S. WILLOW BETWEEN E. TULARE AND E. KINGS CANYON ROAD

1. CONSIDER AND ADOPT E.A. NO. R-06-13/T-5569/C-0651, DATED JUNE 8, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-166 - ORDINANCE NO. 2006-164 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Bernal advised the staff report as submitted was complete and there was no new information to add.

Applicant representative Loren Smith of Harbour and Associates advised he was available to answer any questions.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Mr. Smith responded briefly to questions of Councilmember Boyajian relative to whether this was going to be an affordable housing project, price of the homes, if these would be starter homes, and if the development would be gated.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled E.A. hereby approved, and the above entitled Bill No. B-166 adopted as Ordinance No. 2006-164, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(4:00 P.M.) 2006 CYCLE II TRIMESTER PLAN AMENDMENT HEARINGS

("A") PLAN AMENDMENT (P.A.) NO. A-06-01, REZONE APPLICATION NO. R-06-20 FILED BY C.U.R.E./GRANVILLE HOMES, INC.

Continued to December 5, 2006, at 10:30 a.m.

("B") CONSIDER P.A. APPLICATION NO. A-06-04, REZONE APPLICATION NO. R-06-30 AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES, LLC ON BEHALF OF INTERA VISION, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. CORNELIA AND W. ASHLAN AVENUES

("C") CONSIDER P.A. APPLICATION NO. A-06-05, REZONE APPLICATION NO. R-06-431 AND ENVIRONMENTAL FINDINGS, FILED BY MRG INVESTMENT, PROPERTY LOCATED ON THE WEST SIDE OF N. FRESNO STREET BETWEEN E. MCKINLEY AND E. CARMEN AVENUES

(“D”) CONSIDER P.A. APPLICATION NO. A-06-08, REZONE APPLICATION NO. R-06-34 AND ENVIRONMENTAL FINDINGS FILED BY TOM MILNE, PROPERTY LOCATED ON THE SOUTH SIDE OF E. NEES AVENUE BETWEEN N. NINTH STREET AND N. CEDAR AVENUE

(“E”) CONSIDER P.A. APPLICATION NO. A-06-15 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, PROPERTY LOCATED WITHIN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA GENERALLY BOUND BY FRESNO STREET, STATE ROUTE 99, BROADWAY STREET AND STATE ROUTE 41

President Duncan announced the time had arrived to consider the issue and opened the hearing, advised Item “A” was continued earlier in the meeting to December 5th, noted there used to be three or four plan amendments every week and stated this Council had been very good about supporting the general plan as this item represented four plan amendments for the last four months and added that was an indication that the general plan was working very well.

Planner Sanchez gave an overview of the four plan amendment applications, all as contained in the staff reports as submitted, and recommended approval for each.

Relative to the process and at the request of Councilmember Calhoun, Planning & Development Director Yovino explained the general plan policy and the direction the City was taking on infill, densities, and mixed use designations for plan amendments.

(“B”) CONSIDERATION OF P.A. APPLICATION NO. A-06-04, REZONE APPLICATION NO. R-06-30 AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES, LLC ON BEHALF OF INTERA VISION, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. CORNELIA AND W. ASHLAN

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-06-04/R-06-30/C-06-166, DATED OCTOBER 26, 2006

2. **RESOLUTION NO. 2006-527** - AMENDING THE FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN

3. **BILL NO. B-167 - ORDINANCE NO. 2006-165** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO C-1/UGM

Wilma Quan and Assistant Traffic Engineering Manager Jones responded to questions of Councilmember Boyajian relative to what the impact would be to the intersection, if there will be improvements to the signalization especially where the project is, exactly what improvements will be made, if there will be two lanes on the north side of Ashlan, what the ultimate build out will be, if staff was expecting further development, why right turn lanes were not being improved, and if a traffic impact study was conducted.

On motion of Councilmember Boyajian, seconded by President Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the E.A. hereby approved, the above entitled Resolution No. 2006-527 hereby adopted, and the above entitled Bill No. B-167 adopted as Ordinance No. 2006-165, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund

(“C”) CONSIDER P.A. APPLICATION NO. A-06-05, REZONE APPLICATION NO. R-06-431 AND ENVIRONMENTAL FINDINGS, FILED BY MRG INVESTMENT, PROPERTY LOCATED ON THE WEST SIDE OF N. FRESNO STREET BETWEEN E. MCKINLEY AND E. CARMEN AVENUES

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-06-05/R-06-31/C-06-93, DATED OCTOBER 26, 2006

2. **RESOLUTION NO. 2006-528** - AMENDING THE FRESNO GENERAL PLAN AND THE FRESNO HIGH-ROEDING COMMUNITY PLAN

3. **BILL NO. B-168 - ORDINANCE NO. 2006-166** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2 TO C-6 AND M - 1

Applicant representative Zack Gonzalez stated he concurred with staff’s (8 - 0) and the Planning Commission’s recommendations, and spoke further to the infill project.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the E.A. hereby approved, the above entitled Resolution No. 2006-528 hereby adopted, and the above entitled Bill No. B-168 adopted as Ordinance No. 2006-166, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes : None
Absent : Westerlund

(“D”) CONSIDER P.A. APPLICATION NO. A-06-08, REZONE APPLICATION NO. R-06-34 AND ENVIRONMENTAL FINDINGS FILED BY TOM MILNE, PROPERTY LOCATED ON THE SOUTH SIDE OF E. NEES AVENUE BETWEEN N. NINTH STREET AND N. CEDAR AVENUE

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-06-08/R-06-34/S-06-316, DATED OCTOBER 26, 2006

2. RESOLUTION NO. 2006-529 - AMENDING THE FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-169 - ORDINANCE NO. 2006-167 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/UGM TO C-P/UGM

Speaking to the issue were Harley Turner, who expressed concerns with the project, and Applicant Tom Milne, 1285 E. Nees, who spoke further to the project and addressed Mr. Turner’s comments.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of President Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the E.A. hereby approved, the above entitled Resolution No. 2006-529 hereby adopted, and the above entitled Bill No. B-169 adopted as Ordinance No. 2006-167, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes : None
Absent : Westerlund

(“E”) CONSIDER P.A. APPLICATION NO. A-06-15 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, PROPERTY LOCATED WITHIN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA GENERALLY BOUND BY FRESNO STREET, STATE ROUTE 99, BROADWAY STREET AND STATE ROUTE 41

1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR E.A. NO. A-06-15, DATED OCTOBER 26, 2006

2. RESOLUTION NO. 2006-530 - AMENDING THE FRESNO GENERAL PLAN AND THE CENTRAL AREA COMMUNITY PLAN

3. BILL NO. B- 170 - ORDINANCE NO. 2006-168 - AMENDING THE CHINATOWN EXPANDED REDEVELOPMENT PLANNING AREA TO CHANGE THE PLANNED LAND USE DESIGNATION FROM COMMERCIAL INDUSTRIAL AND RESIDENTIAL TO THE COMMERCIAL MIXED-USE LEVEL 2 PLANNED LAND USE DESIGNATION

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the E.A. hereby approved, the above entitled Resolution No. 2006-530 hereby adopted, and the above entitled Bill No. B-170 adopted as Ordinance No. 2006-168, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes : None
Absent : Westerlund

RECESS - 4:31 P.M. - 4:47 P.M.

The City Council convened in joint session with the Redevelopment Agency.

(4:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF OCTOBER 24 AND 31, 2006

On motion of President Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Agency minutes of October 24 and 31, 2006, approved as submitted.

(“A”) JOINT RESOLUTION NO. 2006-531/1686 - AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A DEED OF EASEMENT AND GRANT DEED DEDICATING THE KEARNEY BOULEVARD STREET EASEMENT AND TRANSFERRING FEE TITLE TO THE REDEVELOPMENT AGENCY-OWNED KEARNEY-FRESNO POCKET PARK LOCATED AT THE INTERSECTION OF FRESNO STREET AND KEARNEY BOULEVARD TO THE CITY OF FRESNO

Executive Director Murphey gave an overview an overview of the issue, all as contained in the staff report as submitted, and noted this was a housekeeping item and recommended approval.

On motion of President Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2006-531/1686 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling
Noes : None
Absent : Westerlund

(“B”) APPROVE THE ACQUISITION OF ONE PROPERTY OWNED BY ARDYCE L. ASHFORD, LOCATED AT 206 E. GEARY IN THE HOPE VI PROJECT AREA BOUND BY CALIFORNIA, WALNUT, FLORENCE AND PLUMAS, WEST OF EDISON HIGH SCHOOL

Chair Sterling recused herself from the proceedings due to a family conflict in the Hope VI area and left the meeting at 4:50 p.m.

Senior Real Estate Agent Hansen reviewed the issue, all as contained in the staff report as submitted, advised there was a legal dispute relative to ownership and explained, and recommended approval. Executive Director Murphey thanked Mr. Hansen and the real estate team and added this last acquisition would allow the One Stop Center project to go forward. A motion and second was made to approve staff's recommendation. Ms. Murphey and Mr. Hansen responded to questions of Vice Chair Boyajian relative to the process/next step, project time frame, and the title issue.

On motion of President Duncan, seconded by Vice Chair Boyajian, duly carried, RESOLVED, the acquisition of the subject property hereby approved, and the Executive Director authorized to execute all documents necessary to complete the transactions, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Boyajian
Noes : None
Absent : Westerlund
Recused : Sterling

(“C”) APPROVE THE ACQUISITION OF A FEE SIMPLE PROPERTY FROM JOSE LUIS AND MARGARITA BENABIDES FOR THE DEVELOPMENT OF THE SOUTHEAST POLICE STATION AT 732 S. BACKER AVENUE

Chair Sterling returned to the meeting at 4:57 p.m. Real Estate Agent Caldwell gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Councilmember Dages, seconded by Chair Sterling, duly carried, RESOLVED, the acquisition of the subject property hereby approved, and the Public Works Director authorized to accept the Grant Deed and execute the Agreement for Purchase and Sale of Real Property and complete the acquisition through escrow, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling
Noes : None
Absent : Westerlund

The joint bodies adjourned their meeting at 4:59 p.m. and the City Council reconvened in regular session.

RECESS - 4:59 P.M. - 5:34 P.M.

(5:30 P.M. #1) CONTINUED HEARING TO CONSIDER DESIGNATING BUILDING 8, THE FORMER RETAIL SHED OF THE SUGAR PINE LUMBER COMPANY LOCATED AT 7435 N. INGRAM, TO THE LOCAL REGISTER OF HISTORIC RESOURCES (PINEDALE ASSEMBLY CENTER SITE/STATE HISTORICAL LANDMARK NO. 934, CAMP PINEDALE)

1. RESOLUTION - DESIGNATING BUILDING 8 TO THE LOCAL REGISTER OF HISTORIC RESOURCES (Historic Preservation Commission recommendation) - NOT ADOPTED

2. RESOLUTION NO. 2006-532 - DESIGNATING THE REMEMBRANCE PLAZA TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES (Staff recommendation)

President Duncan announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun advised he would be recusing himself from the 5:30 p.m. #2 zoning issue item due to a conflict as the proposed development was close to his residence.

Planner Pagoulatos reviewed the issue and the two resolution options, all as contained in the staff report as submitted, and recommended Council approve Resolution #2.

Dale Ikeda, on behalf of the Pinedale Assembly Center Memorial Project Committee, spoke in support of staff's recommendation, submitted a book and posters to Council members, spoke to the history of the Japanese American story of internment and to how the memorial would be dedicated to the over 4,800 Americans of Japanese ancestry who were confined at the Pinedale Assembly Center from May to July 1942, and extended his thanks to the City Council for their support, to everyone involved in the project, and to his parent's generation -- the Issei and Nisei -- for their sacrifice, perseverance, courage and faith in the American dream stating the Remembrance Plaza will honor their story.

Speaking in support of staff's recommendation were David Rodriguez, 409 W. Alluvial, Pinedale, and Committee Landscape Architect Paul Saito, 2904 N. Blackstone. Ernestine Martinez, Pinedale resident, stated she supported the memorial but was opposed to demolishing Building 8 and explained. Al Solis, 906 "N" Street, representing Granum Partners, thanked staff and advised project staff was available for questions, and requested Council approve staff's recommendation.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Calhoun commended Judge Ikeda and everyone else involved (**9 - 0**) for remembering history and making this work adding this was democracy at work, thanked the Historic Preservation Commission for their valuable contribution and recommendation, spoke in support of the Remembrance Plaza and stated something very creative, expansive and educational was being done here that would be left in that area for people to visit, thanked Mr. Rodriguez and the Pinedale community and again commended Judge Ikeda for his leadership and work on this issue, and read portions of Resolution #2 into the record and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Dages.

City Attorney Sanchez and Planning Manager Unruh responded to questions of Councilmember Boyajian and/or clarified issues relative to how a historic building can be transferred into a historic plaza, how the Remembrance Plaza meets criteria for a historic designation, criteria and findings, and which code section was applicable to make the designation. Councilmember Sterling elaborated on the issue, her support, and the history of the site, and stated she was glad to be a part of preserving one's history in this eloquent way. President Duncan commented on the issue and stated this memorial will be a very fitting tribute to this dark part of history that Fresno was a part of and added he appreciated the work of everyone involved.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-532 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes :	None
Absent :	Westerlund

(5:30 P.M. #2) CONTINUED HEARING ON REZONE APPLICATION NO. R-06-47 AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ON BEHALF OF GRANUM PARTNERS, PROPERTY LOCATED BETWEEN W. ALLUVIAL AND W. LOCUST AVENUES AND BETWEEN N. PALM AND N. INGRAM AVENUE

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-06-47/C-06-169, DATED OCTOBER 5, 2006

2. **BILL NO. B-171 - ORDINANCE NO. 2006-169** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M - 1 TO C-M/cz FOR A PROPOSED CITY-SPONSORED SENIORS HOUSING PROJECT, as amended, adding Condition #16

President Duncan announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun recused himself from the proceedings due to a conflict of interest (as noted earlier) and left the meeting at 6:27 p.m.

Planner Pagoulatos reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Bill Robinson, Sol Development, representing the applicant, requested Council's support.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration for the E.A. hereby approved, and the above entitled Bill No. B-171 adopted as Ordinance No. 2006-169, as amended, adding Condition #16 as follows: "The developer will indemnify the City of Fresno from any liability arising from the Remembrance Plaza site.", by the following vote:

Ayes	:	Boyajian, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	Westerlund
Recused	:	Calhoun

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:37 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the ____5th____ day of ____December____, 2006.

_____/s/
Jerry Duncan, Council President

ATTEST:_____/s/
Yolanda Salazar, Assistant City Clerk

